''(2) evaluate whether the rule is inconsistent with, incompatible with, or duplicative of other regulations; and

''(3) consider whether the estimated benefits and costs of the rule increase or decrease as a result of other regulations issued by the agency, including regulations that are not yet fully implemented, compared to the benefits and costs of that rule in the absence of such regulations.

''(d) LESS BURDENSOME ALTERNATIVES.—If, after conducting an analysis under subsection (a) for a proposed rule that is likely to lead to a significant rule, or a final rule or interim final that is a significant rule, the agency selects a regulatory approach that is not the least burdensome compared to an available regulatory alternative, the agency shall include—

''(1) in the summary section of the preamble a statement that the selected approach is more burdensome than an available regulatory alternative; and

''(2) a justification, with supporting information, for the selected approach.

''(e) REGULATORY DETERMINATION.—

''(1) IN GENERAL.—Except as expressly provided otherwise by law, an agency may issue a proposed rule, final rule, or interim final rule only upon a reasoned determination that the benefits of the rule justify the costs of the rule.

''(2) REQUIREMENTS.—

''(A) ALTERNATIVE.—Whenever an agency is expressly required by law to issue a rule, the agency shall select a regulatory alternative that has benefits that exceed costs and complies with law.

''(B) COMPLIANCE.—If it is not possible to comply with the law by selecting a regulatory alternative that has benefits that exceed costs, an agency shall select the regulatory alternative that has the least costs and complies with law.

''§ 614. Consideration of sunset dates

''(a) SUNSET.—Not later than July 1, 2023, an agency shall, for each proposed rule or interim final rule of the agency that meets the economic threshold of a significant rule described in section 601(9)(A), include an explicit consideration of a sunset date for the rule.

''(b) ELEMENTS.—The consideration described in subsection (a) for a proposed rule or interim final rule described in that subsection shall include an assessment of whether the rule—

''(1) could become outmoded or outdated in light of changed circumstances, including the availability of new technologies; or

''(2) could become excessively burdensome after a period of time due to, among other things—

''(A) disproportionate costs on small businesses;

''(B) the net effect on employment, including jobs added or lost in the private sector; and

''(C) costs that exceed benefits.

''(c) PUBLICATION.—A summary of the consideration described in subsection (a) for a proposed rule or interim final rule described in that subsection shall be published in the Federal Register along with the proposed or interim final rule, as applicable.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding at the end the following:

''613. Regulatory impact analyses.
''614. Consideration of sunset dates.''.

SEC. 4. JUDICIAL REVIEW.

Section 611(a) of title 5, United States Code, is amended, in paragraphs (1) and (2), by striking ''and 610'' and inserting ''610, and 613''.

By Mr. BOOKER (for himself and Mr. DURBIN):

S. 850. A bill to incentivize States and localities to improve access to justice, and for other purposes; to the Committee on the Judiciary.

By Mr. BOOKER (for himself and Mr. DURBIN):

S. 851. A bill to include a Federal defender as a nonvoting member of the United States Sentencing Commission; to the Committee on the Judiciary.

Mr. BOOKER. Madam President, this Saturday, March 18, will mark the 60th anniversary of the unanimous and landmark Supreme Court decision in Gideon v. Wainwright, which held that every American has the constitutional right in criminal cases, regardless of their wealth and where they were born—they have a right, fundamentally, to the public defense system that we know today.

Before Gideon was decided, people accused of crimes were left to fend for themselves, having to navigate arraignments, plea bargains, jury decisions, trials, cross-examination of witnesses—every part of the criminal prosecution, they had to do it themselves while facing government prosecutors who had the legal upper hand.

Clarence Earl Gideon was a 51-year-old with an eighth grade education who ran away from home in middle school. History describes him as a ''drifter'' who spent time in and out of prison for nonviolent crimes, but history would also come to know him as someone who fundamentally transformed our legal system so that any person without resources accused of a crime has a due process right to a fair trial. You can't have a fair trial without counsel.

In 1961, Gideon was arrested for stealing $5 in change and beer, allegedly doing so from the Bay Harbor Poolroom in Panama City, FL. As James Baldwin would write the same year as Gideon's arrest, ''Anyone who has ever struggled with poverty knows how extremely expensive it is to be poor.''

Gideon, who had spent much of his life in poverty, was too poor to hire an attorney and asked the trial court to appoint one for him. The court denied his request, saying that only indigent defenders facing the death penalty are entitled to a lawyer.

Gideon assumed the burden of defending himself at trial, becoming his own lawyer. He made an opening statement to the jury and cross-examined the prosecution's witnesses. He presented witnesses in his own defense. He declined to testify himself and made arguments emphasizing his innocence.

Despite his valiant efforts, the jury found Gideon guilty of this $5 theft, and he was sentenced to 5 years' imprisonment. But Gideon felt he had been fundamentally deprived of his due process rights.

Determined to prove his innocence, Gideon penciled a five-page, handwritten petition asking the nine Justices of the Supreme Court to consider his case. Against all odds, the Supreme Court granted Gideon's petition.

Gideon would tell the Supreme Court:

> It makes no difference how old I am or what color I am or which church I belong to, if any. The question is I did not get a fair trial. The question is very simple. I requested the court to appoint me [an] attorney and the court refused.

In the Court's unanimous decision, they held that ''reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.''

Gideon's case was sent back to the lower court, where he had a lawyer to defend him. It took the jury only 1 hour to come to a verdict and acquit him.

From that time on, the public defense system as we know it today came into existence. Folks who couldn't afford a lawyer 60 years ago are now guaranteed basic legal protection. Public defenders play a sacrosanct role in our society. Every one of America's public defenders embarks on the noble work that is the cornerstone of our legal system, ensuring that every citizen has a right to a fair trial, that every citizen has access to justice within the justice system.

Yet the promise of Gideon, the promise of this decision, still remains unfulfilled. The public defense is under such strain that in many places, it barely functions.

Justice Black declared that ''lawyers in criminal courts are necessities, not luxuries.'' But too often across our country, adequate legal representation is a luxury only afforded to those who are wealthy enough to hire a lawyer.

Despite their important and essential work to the cause of justice, public defenders carry crushing caseloads that strain their ability to meet their legal and ethical obligations to provide effective representation. According to a 2019 Brennan Center report, only 27 percent of county-based and 21 percent of State-based public defender offices have enough attorneys to adequately handle their caseloads. There are counties and States in America where public defenders are responsible for more than 200 cases at one time.

The quality of public defenders also varies from State to State, town to town, case to case. Compared to prosecutors and other attorneys, public defenders are woefully underresourced and underpaid. That is why today, with my friend and colleague from Illinois, Senator DURBIN, I am introducing the Providing a Quality Defense Act to provide funding to local governments to hire more public defenders so that those accused of crimes can receive adequate representation.

The bill will provide funding to increase salaries for public defenders so that they can have pay parity with the prosecutors they face. It will require

the Department of Justice to conduct evidence-based studies and make recommendations for appropriate caseloads for public defenders and for adequate compensation.

Public defenders don't just represent their clients with zealous advocacy; they get to know their clients and see the impact of convictions on their families and loved ones. This experience is invaluable and helps to inform sentencing should there be a conviction. However, unlike the majority of State sentencing commissions, the U.S. Sentencing Commission, an independent Agency tasked with establishing sentencing policies and practices for the Federal court, lacks a representative from a public defender background who would provide an essential perspective on the criminal justice system.

Today, again, along with Senator DURBIN, I am reintroducing the Sentencing Commission Improvements Act to add a member to the U.S. Sentencing Commission with a public defender background who will bring a new and valuable perspective to the Commission.

I urge my colleagues to support both of these bills, which will bring us one step closer to a justice system that is fairer, more humane, and more just. Such a criminal justice system is part of the legacy of a so-called drifter, a 51-year-old who spoke truth to power, who challenged a system that seemed impossible to beat, who challenged the very idea of what it means to have a just justice system. If the moral arc of the universe bends towards justice, then Clarence Earl Gideon is one of the arc benders.

Mr. DURBIN. Madam President, behind the scenes of our Nation's courtrooms and jails, we will find some of our most dedicated public servants. They are America's public defense lawyers. They work long hours for low pay, and even less attention and acclaim, to protect the most American ideal: equal justice under the law. It is thanks to their service that every single citizen in this country is guaranteed the right to legal counsel.

Well, this Saturday, we have a chance to honor them. It is National Public Defender Day. This year, National Public Defender Day also marks a major milestone in legal history. It is the 60th anniversary of the Supreme Court's decision in the landmark case Gideon v. Wainwright.

As hard as it is to imagine, there were days before the Gideon decision when the constitutional right to legal counsel was not protected. That means, in some States, if you were charged with a crime but couldn't afford a lawyer, you were on your own.

That is exactly what happened to a man named Clarence Gideon in the summer of 1961. At the time, he was down on his luck, struggling with the disease of addiction on the streets of Panama City, FL.

Early one morning in June, he was arrested for a burglary. The evidence against him: A witness claimed that they saw him steal from a local pool hall. The police arrested him based on that accusation alone.

When Mr. Gideon appeared in court, he told the judge he couldn't afford a lawyer, and he asked for an appointed attorney. The judge denied his request. He told Mr. Gideon the court could only appoint counsel to defendants facing the death penalty. In other words, Mr. Gideon was denied his Sixth Amendment right to counsel, which has been enshrined in our Constitution since the enactment of the Bill of Rights, because he wasn't accused of a very serious crime.

Well, Mr. Gideon didn't need a law degree to know something was wrong here. So he picked up a pen and a sheet of paper and wrote a letter to the U.S. Supreme Court, and with that letter, he changed history.

The Supreme Court agreed to hear his case and finally appointed him an attorney—and not just an average attorney—future Supreme Court Justice Abe Fortas.

Fast-forward to March of 1963. The Court issued its decision. All nine Justices ruled unanimously in favor of Mr. Gideon. In the majority opinion, Justice Hugo Black said, ''Lawyers in criminal courts are necessities, not luxuries,'' and he concluded that the ''noble ideal . . . [of] . . . fair trials before impartial tribunals in which every defendant stands equal before the law . . . cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.''

In the six decades since Gideon, generations of public defenders have stepped up to ensure that no one is denied their right to legal counsel, and for our most vulnerable neighbors in particular, public defenders are an indispensable protection. They have protected the rights of low-income and indigent Americans. They have helped defendants access resources and services to get their lives back on track, and they have worked day in and day out to secure sentences that are humane and proportional.

Moreover, public defenders provide a service to all of us by strengthening the integrity of our system of justice. Think about this: The United States has one of the highest rates of incarceration in the world. So when defendants are denied adequate legal representation, they could end up behind bars for crimes they did not commit or receive excessive or even inhumane sentences for those that they did commit. That is a subversion of justice that wastes resources, violates fundamental values, and, worst of all, treats humans as if they are disposable objects. So all of us owe a debt of gratitude to the public defenders fighting against these injustices.

But we also need to show that gratitude by providing public defenders with the resources they need to advocate for their clients. While the legal profession may be lucrative for attorneys working in big, corporate boardrooms, the reality is very different for lawyers who dedicate themselves to public service. One recent study indicates that—when accounting for the cost of overhead—public defenders can earn as little as $5.16 an hour.

With meager salaries for long hours of work, it is really no wonder that we are currently facing a shortage of public defense lawyers. And that shortage is having a detrimental impact across the country. Criminal cases are going unresolved, defendants in need of medical and mental services are not being treated, and justice is being delayed—and therefore—denied. This is a problem that effects every part of the country. And right now, States like New Mexico and Oregon have a third of the number of public defenders they need to clear their criminal caseload.

Today, Senator BOOKER and I will be introducing two bills to underscore the value of public defenders and provide them with greater funding and resources. One of these bills is a piece of legislation we first introduced in 2021: the Sentencing Commission Improvements Act. We wrote this bill for a simple reason. Public defenders not only provide an invaluable service to our country, they also offer an invaluable perspective.

These legal professionals spend countless hours with vulnerable defendants, as well as their families. They see firsthand how the disease of addiction can lead people down the wrong path and understand how to best support them, so they can get on the road to recovery.

Public defenders help console children who are coming to terms with the fact that they may not hug a parent for years because they are behind bars. And they are there to hold a parent's hand when they find out their son or daughter has received a lengthy sentence. Public defenders understand the sobering—and sometimes grim—reality of our justice system better than anyone. So to build a system that actually prepares incarcerated people to reenter society and become productive citizens, we need to give public defenders a seat at the decision-making table. The Sentencing Commission Improvements Act will achieve that by adding an ex officio member to the U.S. Sentencing Commission who is a public defender. It is exactly the perspective the Commission needs to develop fairer sentencing guidelines.

Our other bill is the Quality Defense Act. It will create a grant program to help fund data collection, hiring, increased compensation, and loan assistance programs for public defenders. This bill also directs the Justice Department to study and develop best practices and recommendations on appropriate public defender caseloads and levels of compensation. These measures will provide public defenders with resources that reflect the importance of their service and encourage attorneys to pursue careers as public defenders.

I believe our justice system is stronger when it incorporates the insights of experts who have worked across the legal spectrum. That is why, as chair of the Senate Judiciary Committee, I have worked to confirm Federal judges who have served as public defenders. These perspectives have long been excluded from the Federal bench, which is a disservice to the American public. Thankfully, we are finally changing course. Last year, this Senate confirmed the first former public defender to ever serve on the Supreme Court: Justice Ketanji Brown Jackson.

And in the past 2 years, we have confirmed more circuit judges with experience as public defenders than all prior Presidents combined. One of them is Judge Candace Jackson-Akiwumi, who serves on the Seventh Circuit in my home State of Illinois. Back in 2017, Judge Jackson-Akiwumi reflected on her time as a public defender—and how it tested her as a legal professional.

She wrote that, as a public defender, ''I am a counselor, helping clients to navigate difficult choices. . . . I am a teacher, introducing clients and their families to the federal court system . . .

''[and] I am a lay social worker: many of our clients have disadvantaged backgrounds, extensive mental health histories, substance abuse issues, and other everyday challenges.''

When you work as a public defender, the job demands a lot more than a simple attorney-client relationship. It is a job that demands resourcefulness, thoughtfulness, and quick, strategic thinking. These are the same qualities we need in the judges who serve on our Nation's Federal courts. And they are the same qualities people look for when they enter the courtroom as a plaintiff or defendant.

So as we honor National Public Defender Day this weekend, I want to thank all of our courageous and dedicated public defense attorneys across America. We are grateful for your commitment to defending equal justice under law.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, and Mr. BLUMENTHAL):

S. 858. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cameras in the Courtroom Act''.

SEC. 2. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''§ 678. Televising Supreme Court proceedings

''The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of 1 or more of the parties before the Court.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''678. Televising Supreme Court proceedings.''.

By Mr. DURBIN (for himself and Mr. RUBIO):

S. 862. A bill to address health workforce shortages through additional funding for the National Health Service Corps, and to establish a National Health Service Corps Emergency Service demonstration project; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Restoring America's Health Care Workforce and Readiness Act''.

SEC. 2. ADDITIONAL FUNDING FOR THE NATIONAL HEALTH SERVICE CORPS.

(a) ADDITIONAL FUNDING.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

(1) in subparagraph (G), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (H), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(I) $625,000,000 for fiscal year 2024;

''(J) $675,000,000 for fiscal year 2025; and

''(K) $825,000,000 for fiscal year 2026.''.

(b) NATIONAL HEALTH SERVICE CORPS EMERGENCY SERVICE DEMONSTRATION PROJECT.—Part B of title XXVIII of the Public Health Service Act is amended by inserting after section 2812 (42 U.S.C. 300hh–11) the following:

''SEC. 2812A. NATIONAL HEALTH SERVICE CORPS EMERGENCY SERVICE DEMONSTRATION PROJECT.

''(a) IN GENERAL.—For each of fiscal years [2024] through [2026], from the amounts made available under section 10503(b)(2) of the Patient Protection and Affordable Care Act, to the extent permitted by, and consistent with, the requirements of applicable State law, the Secretary shall allocate up to $50,000,000 to establishing, as a demonstration project, a National Health Service Corps Emergency Service (referred to in this section as the 'emergency service') under which a qualified individual currently or previously participating in the National Health Service Corps agrees to engage in service through the National Disaster Medical System established under section 2812, as described in this section.

''(b) PARTICIPANTS.—

''(1) NHSC ALUMNI.—

''(A) QUALIFIED INDIVIDUALS.—An individual may be eligible to participate in the emergency service under this section if such individual participated in the Scholarship Program under section 338A or the Loan Repayment Program under section 338B, and satisfied the obligated service requirements under such program, in accordance with the individual's contract.

''(B) PRIORITY AND INCREASED FUNDING AMOUNTS.—

''(i) PRIORITY.—In selecting eligible individuals to participate in the program under this paragraph, the Secretary shall give priority—

''(I) first, to qualified individuals who continue to practice at the site where the individual fulfilled his or her obligated service under the Scholarship Program or Loan Repayment Program through the time of the application to the program under this section; and

''(II) secondly, to qualified individuals who continue to practice in any site approved for obligated service under the Scholarship Program or Loan Repayment Program other than the site at which the individual served.

''(ii) INCREASED FUNDING AMOUNTS.—The Secretary may grant increased award amounts to certain participants in the program under this section based on the site where a participant fulfilled his or her obligated service under the Scholarship Program or Loan Repayment Program.

''(C) PRIVATE PRACTICE.—An individual participating in the emergency service under this section may practice a health profession in any private capacity when not obligated to fulfill the requirements described in subsection (c).

''(2) CURRENT NHSC MEMBERS.—

''(A) IN GENERAL.—An individual who is participating in the Scholarship Program under section 338A or the Loan Repayment Program under section 338B may apply to participate in the program under this section while fulfilling the individual's obligated services under such program.

''(B) CLARIFICATIONS.—Notwithstanding any other provision of law or any contract with respect to service requirements under the Scholarship Program or Loan Repayment Program, an individual fulfilling service requirements described in subsection (c) shall not be considered in breach of such contract under such Scholarship Program or Loan Repayment Program, provided that the individual give advance and reasonable notification to the site at which the individual is fulfilling his or her obligated service requirements under such contract, and the site approves the individual's deployment through the National Disaster Medical System.

''(C) NO CREDIT TOWARD OBLIGATED SERVICE.—No period of service under the National Disaster Medical System described in subsection (c)(1) shall be counted toward satisfying a period of obligated service under the Scholarship Program or Loan Repayment Program.

''(c) PARTICIPANTS AS MEMBERS OF THE NATIONAL DISASTER MEDICAL SYSTEM.—

''(1) SERVICE REQUIREMENTS.—An individual participating in the program under this section shall participate in the activities of the National Disaster Medical System under section 2812 in the same manner and to the same extent as other participants in such system.

''(2) RIGHTS AND REQUIREMENTS.—An individual participating in the program under this section shall be considered participants in the National Disaster Medical System and shall be subject to the rights and requirements of subsections (c) and (d) of section 2812.

''(d) EMERGENCY SERVICE PLAN.—In carrying out this section, the Secretary, in consultation with the Administrator of the